



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean Engelhardt et al.

Serial No. 08/486,069

Filed: June 7, 1995

Title: NUCLEIC ACID SEQUENCING PROCESSES
USING NON-RADIOACTIVE DETECTABLE
MODIFIED OR LABELED NUCLEOTIDES OR
NUCLEOTIDE ANALOGS, AND OTHER
PROCESSES FOR NUCLEIC ACID
DETECTION AND CHROMOSOMAL
CHARACTERIZATION USING SUCH
NON-RADIOACTIVE DETECTABLE
MODIFIED OR LABELED NUCLEO-
TIDES OR NUCLEOTIDE ANALOGS
(As Previously Amended)

Group Art Unit: 1631

Ex'r: Ardin H. Marschel, Ph.D.

#59
Plunkett
5/29/01

527 Madison Avenue, 9th Floor
New York, New York 10022
March 28, 2001

FILED BY EXPRESS MAIL

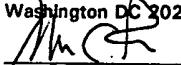
Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§1.56 & 1.97-1.98**

Dear Sirs:

This paper follows Applicants' March 21, 2001 Second Supplemental Information Disclosure Statement Under 37 C.F.R. §§1.56 & 1.97-1.98.

Pursuant to the provisions of 37 C.F.R. §§1.97-1.98, and in full compliance with their duty of disclosure under 37 C.F.R. §1.56, Applicants, through their attorney, are bringing the following four (4) documents to the attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application:

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.:	EL839968653US
Deposit Date:	March 28, 2001
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Ronald C. Fedus Reg. No. 44,305	MAR 28 2001 Date

1. Rose, S.D., "Mercuration of Modified Nucleotides: Chemical Methods Toward Nucleic Acid Sequencing By Electron Microscopy," Biochimica et Biophysica Acta 361:231-235 (1974) [Exhibit 1];
2. Salser, W.A., "DNA Sequencing Techniques," Annual Review of Biochemistry 43:923-965 (1974) [Exhibit 2];
3. Whiting, R.F. and F.P. Ottensey, "Platinum•DMSO: An Adenine-Specific Stain For DNA Sequencing By Electron Microscopy," Abstract W-PM-J14 Presented at Biophysical Society Program And Abstracts, Nineteenth Annual Meeting, February 18-21, 1975, Philadelphia, PA, published in Biophysical Journal 15:98a (1975) [Exhibit 3]; and
4. Frizell, J., "A Possible Electron Dense Label for the Use in the Sequencing of DNA by Electron Microscopy," Journal of Theoretical Biology 59:241-242 (1976) [Exhibit 4].

A completed Form PTO-1449 listing the four (4) above-submitted documents [Exhibits 1-4] is also attached hereto as [Exhibit 5].

A copy of each of the four (4) above listed references [Exhibits 1-4] is being provided herewith for the convenience of and review by the Examiner.

The 4 documents listed above (Exhibits 1-4) recently came to the attention of Applicants' attorney while preparing their March 21, 2001 Second Supplemental IDS. Following a short series of computer database searches, the undersigned attorney ordered these documents which are now being presented in this paper.

By this voluntary citation of art, Applicants and their attorney are requesting that the documents be made of record in the instant application.

The above list of documents is not a representation that these documents constitute a complete or exhaustive listing of art-related documents. Neither is the above listing intended to necessarily include the closest or most relevant documents, nor are these documents necessarily a complete listing of all documents known to Applicants or their attorney. It is simply a voluntary citation of documents made in good faith, which is not intended to

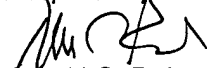
serve in any way as a substitute for the Examiner's own diligent search efforts.

Applicants respectfully submit that the present invention is neither suggested nor disclosed by the documents referred to above. The general and specific features described and claimed in the present application is novel and unobvious over these documents, and is thus patentably distinct. Applicants do not believe, and do not submit, by the submission of these documents, that these documents, either by themselves or in combination, render the invention *prima facie* obvious under any of the duty of disclosure rules.

Applicants respectfully request that the Examiner make the above-submitted documents of record in the instant application. Applicants further request that the Examiner consider these documents as any of them may relate, however remotely, to the present application.

This Third Supplemental IDS is being filed in accordance with 37 C.F.R. §1.97(c), that is, after the mailing date of a first action on the merits, but before the mailing date of either a Final Action or a Notice of Allowance. The Patent and Trademark Office is hereby authorized to charge the \$180.00 fee set forth in §1.17(p) and any other fees in connection with this IDS to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, New York 10022
Tel. (212) 583-01000

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		Rose, S.D., "Mercuration of Modified Nucleotides: Chemical Methods Toward Nucleic Acid Sequencing By electron Microscopy," <u>Biochimica et Biophysica Acta</u> 361:231-235 (1974)
		Salser, W.A., "DNA Sequencing Techniques," <u>Annual Review of Biochemistry</u> 43:923:965 (1974)
		Whiting, R.F. and F.P. Ottensey, "Platinum DMSO: An Adenine-Specific Stain For DNA Sequencing By Electron Microscopy," Abstract W-PM-J14 Presented at Biophysical Society Program And Abstracts, Nineteenth Annual Meeting, February 18-21, 1975, Philadelphia, PA, published in <u>Biophysical Journal</u> 15:98a (1975)
		Frizell, J., "A Possible Electron Dense Label for the Use in the Sequencing of DNA by Electron Microscopy," <u>Journal of Theoretical Biology</u> 59:241-242 (1976)
EXAMINER		DATE CONSIDERED
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		